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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,526	03/23/2001	Thomas Mueller	10191/1773	8027

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EXAMINER

GRIER, LAURA A

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 07/29/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,526

Applicant(s)

MUELLER ET AL.

Examiner

Laura A Grier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 17, 6-8, 13 and 14** are rejected under 35 U.S.C. 102(e) as being anticipated by Lee, U. S. Patent No. 6292440.

Regarding **claim 17**, Lee disclose a MP3 car player (figure 1). Lee's disclosure comprises a display (301) which reads on a display, a speaker, a CD/CD –ROM, and memory block (200), which reads on a storage device, a keypad interface unit (302), which reads on the input apparatus, a controlling unit coupled to a MP3 decoder (400 and 500), which reads on the processor, therein as claimed (col. 3, lines 10-43, col. 1, lines 48-65, col. 2, lines 25-39, col. 4, lines 10-19), wherein the directories are inherently taught as evident of the display information of the MP3 files for playback and manipulation.

Regarding **claims 6 and 7**, respectively, Lee discloses everything claimed as applied above (see claim 17). Lee disclosure of the CD/CD-Rom inherently supports a disc drive, therein as claimed, and further teaches that the files coded for playback, therein as claimed (figures 1-3, and col. 3, lines 10-43).

Regarding **claim 8**, Lee discloses everything claimed as applied above (see claim 17).
Lee disclosure of the display providing title names and track numbers inherently teaches the processor extracting information, therein.

Regarding **claim 13**, Lee discloses everything claimed as applied above (see claim 17).
Lee disclosure comprises storage device as a audio CD file or a MP3 audio file.

Regarding **claim 14**, Lee discloses everything claimed as applied above (see claim 17).
Lee disclosure the data files coded in the MP3 decoder (col. 1, lines 58-62).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

L.G. 4. ^{17, 2-4,} ~~17-4~~ **Claims 6-8, and 10-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Steele et al.

Regarding **claim 17**, Steele et al. (herein, Steele) disclose a remotely configurable multimedia entertainment and information system with location based advertising (figures 1 and 2). Steele's disclosure comprises a display (160 and page 3, left column, paragraph number 0047, which reads on a display; loudspeakers (152 and page 3, right column, paragraph 0045, which reads on loudspeakers; and channel selector (162), which indicates an input apparatus (page 3, paragraph 0048); memory (90) and microprocessor and storages devices (92), which read on storage device and a processor, respectively - page 3, right column, paragraph 0045;

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further, the processor includes a element for displaying different channels of different types of audio data can be located (figures 2 and 5, page 3, paragraphs 0050-0051 and 0054), which indicates displaying directories, the processor includes a memory and coupled to storage devices for recording real-time audio or multimedia files (page 3, paragraph 0046), further the broadcast channels (e.g. AM, FM, DAB, Internet broadcast) indicates different data carriers, and it obvious the different multimedia files (MP3 audio files) are displayed with different tiles, wherein this is a common characteristic of MP3 audio technology, and the different directories and files are accessible by channel selector. However, Steele fails to disclose the processor decoding the multimedia files. Decoding of multimedia files was well known in the art.

Decoding multimedia files (audio) that have been transmitted to a receiver is a commonly used techniques for processing transmitted data files. Thus it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Steele by incorporating the technique of decoding the multimedia files (audio) for the purpose of regenerating the contents of the files in its original format for adequate output.

Regarding **claim 2**, Steele discloses everything claimed as applied above (see claim 1). Steele further discloses that multimedia files (MP3 files) may be download from a home personal computer to the multimedia player of a vehicle (page 5, paragraph 0073), which indicates the claimed limitations.

Regarding **claim 3**, Steele discloses everything claimed as applied above (see claim 2). Steele further discloses a button cluster controller (figure 4), which indicates a plurality of controlling elements, therein as claimed for managing the directory of the new storage location.

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Regarding **claim 4**, Steele discloses everything claimed as applied above (see claim 1). Steele further discloses a channel selector (162) that may be manipulated up, down, forward and backward (page 3, paragraph 0048), which constitutes as the input apparatus including a rocker as claimed.

Regarding **claim 6**, Steele discloses everything claimed as applied above (see claim 1). Steele further discloses the storage as being flash disks, other storage media suitable for an automobile (page 3, paragraph 0046), or floppy disks (page 5, paragraph 0084), which indicates the storage as being removable for the disk drive.

Regarding **claim 7**, Steele discloses everything claimed as applied above (see claim 6). Steele obviously decodes a 1st multimedia file with a 1st title of one of the different data carriers making is sufficient for audio playback via the loudspeakers.

Regarding **claim 8**, Steele discloses everything claimed as applied above (see claim 1). Steele obviously discloses the processor extracting information for the multimedia file as obvious by the fact that extracted information is displayed as to what channels and type of music the file contains (figure 5) for the purpose of allowing user to be aware of the type of file being selected and to be played back.

Regarding **claims 10-12**, Steele discloses everything claimed as applied above (see claim 1). Steele obviously discloses the processor playback one of the multimedia data files of one of the different data carriers in a random sequence by the user being able to select particular files to be played (page 3, paragraphs 0050-0054).

Regarding **claim 13**, Steele discloses everything claimed as applied above (see claim 1). Steele further discloses the storage as being hard drives, flash disks, other storage media suitable for an automobile or floppy disks (page 5, paragraph 0084) (page 3, paragraph 0046),

Regarding **claim 14**, Steele discloses everything claimed as applied above (see claim 1). Steele further discloses the multimedia files as MP3 files (page 3, paragraph 0046 and page 5 paragraph 0073), which indicates the multimedia data files coded in MP3.

Regarding **claim 15**, Steele discloses everything claimed as applied above (see claim 1). Steele fails to disclose a remote control apparatus. The examiner maintains that remote control devices were well known in the art. The use of remote control devices for manipulation of electronic devices is a common practice in the art. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Steele by implementing a remote control apparatus for the purpose of providing input or control manipulations, such as file or channel selection with convenience and ease to user.

Regarding **claim 16**, Steele discloses everything claimed as applied above (see claim 1). Steele further indicates in figure 5, the processor displaying information step-by-step.

5. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steele et al.

Regarding **claim 5**, Steele et al. (herein, Steele) disclose a remotely configurable multimedia entertainment and information system with location based advertising (figures 1 and 2). Steele's disclosure comprises a display (160 and page 3, left column, paragraph number 0047, which reads on a display; loudspeakers (152 and page 3, right column, paragraph 0045, which reads on loudspeakers; and channel selector (162), which indicates an input apparatus (page 3, paragraph 0048); memory (90) and microprocessor and storage devices (92), which read on storage device and a processor, respectively - page 3, right column, paragraph 0045; further, the processor includes a element for displaying different channels of different types of audio data can be located (figures 2 and 5, page 3, paragraphs 0050-0051 and 0054), which indicates displaying directories, the processor includes a memory and coupled to storage devices for recording real-time audio or multimedia files (page 3, paragraph 0046), further the broadcast channels (e.g. AM, FM, DAB, Internet broadcast) indicates different data carriers, and it obvious the different multimedia files (MP3 audio files) are displayed with different tiles, wherein this is a common characteristic of MP3 audio technology, and the different directories and files are accessible by channel selector, and obviously, MP3 technology as well as other common audio device, upon selection the processor displays the device type, the title, the time of the song for playback all of which are common characteristics of audio devices with a display, which reads on the displaying the selected data carrier and playback, therein as claimed. However, Steele fails to disclose the processor decoding the multimedia files. Decoding of multimedia files was well known in the art.

Decoding multimedia files (audio) that have been transmitted to a receiver is a commonly used techniques for processing transmitted data files. Thus it would have been obvious to one of

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the ordinary skill in the art at the time the invention was made to modify the invention of Steele by incorporating the technique of decoding the multimedia files (audio) for the purpose of regenerating the contents of the files in its original format for adequate output.

Regarding **claim 9**, Steele discloses a remotely configurable multimedia entertainment and information system with location based advertising (figures 1 and 2). Steele's disclosure comprises a display (160 and page 3, left column, paragraph number 0047, which reads on a display; loudspeakers (152 and page 3, right column, paragraph 0045, which reads on loudspeakers; and channel selector (162), which indicates an input apparatus (page 3, paragraph 0048); memory (90) and microprocessor and storage devices (92), which read on storage device and a processor, respectively - page 3, right column, paragraph 0045; further, the processor includes a element for displaying different channels of different types of audio data can be located (figures 2 and 5, page 3, paragraphs 0050-0051 and 0054), which indicates displaying directories, the processor includes a memory and coupled to storage devices for recording real-time audio or multimedia files (page 3, paragraph 0046), further the broadcast channels (e.g. AM, FM, DAB, Internet broadcast) indicates different data carriers, and it obvious the different multimedia files (MP3 audio files) are displayed with different tiles, wherein this is a common characteristic of MP3 audio technology, and the different directories and files are accessible by channel selector; Steele obviously discloses the processor extracting information for the multimedia file as obvious by the fact that extracted information is displayed as to what channels and type of music the file contains (figure 5) therefore when a title is not stored, the number of a particular filed may be displayed, wherein displaying the numerical representation of an audio file is a common practice in displaying audio date, therein as claimed. However, Steele fails to

disclose the processor decoding the multimedia files. Decoding of multimedia files was well known in the art.

Decoding multimedia files (audio) that have been transmitted to a receiver is a commonly used techniques for processing transmitted data files. Thus it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Steele by incorporating the technique of decoding the multimedia files (audio) for the purpose of regenerating the contents of the files in its original format for adequate output.

Response to Arguments

6. Applicant's arguments filed 5/11/04 have been fully considered but they are not persuasive.

The applicant essentially argues that the Steele reference fails to teach displaying directories located in the storage device, and further argues that examiner believes "the directories displayed as different data carriers" as obvious, and in do so, the applicant requested that examiner provide a reference in support of obvious approach taken. It is clear to examiner the types of directories are identified by the specification and those disclosed in the applicant's arguments, however, the claim language of the claim limitations fail to explicitly disclose the directories as so argued. A directory enables a broad and varied interpretation (such as list of items, perhaps alphabetically, etc) of what directories may be. Accordingly, the audio data files stored in memory are provided via display of Steele, in which the files may be selected via the channel selector (page 3, paragraphs 0046-0048). In respect to the applicant's argument of the obviousness approach taken by the examiner, the obvious statement was made in respect to the

MP3 audio files, and how they are displayed and/or selected, and not to the “directories”.

However, a prior art reference of Lee is provided to support the teachings of how MP3 audio files are processed and displayed (col. 1, lines 48-50, col. 2, lines 25-27, col. 4, lines 2-13).

The applicant also indicated that a rejection for claim 5 was not provided in the last office action received from the examiner. The claim rejection of claim 1 as indicated in the last office action, should have been indicated as claim 5. This was the result of a typographical error. The current office action has been corrected and rejection of claim 5 has been provided.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG 
July 24, 2004


XU MEI
PRIMARY EXAMINER